

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

J.C. WHITNEY & CO., a Delaware corporation, d/b/a CarParts.com,)
Plaintiff,) Case No. 08-cv-03565
v.) Judge Samuel Der-Yeghiayan
U.S. AUTO PARTS NETWORK, INC., a Delaware corporation,) Magistrate Judge Nolan
Defendant.) **JURY TRIAL DEMANDED**

JOINT JURISDICTIONAL STATUS REPORT

The parties hereto submit the following joint statement as to why this Court has subject matter jurisdiction:

I. Subject Matter Jurisdiction:

This Court has jurisdiction over the parties and this controversy as this is a civil action under the United States Trademark Act ([15 U.S.C. § 1051](#) et seq.), jurisdiction being conferred in accordance with [15 U.S.C. § 1121](#) and [28 U.S.C. §§ 1331, 1338\(a\) and \(b\)](#). Jurisdiction for the Illinois state claims is conferred in accordance with the principles of supplemental jurisdiction pursuant to [28 U.S.C. § 1367\(a\)](#) in that state law claims form part of the same controversy as the claims arising under the trademark laws of the United States.

II. Venue (Plaintiff's Position):

Defendant is and has been conducting continuous and systematic business and has committed torts within the State of Illinois and within the Northern District of Illinois, at least some of the events giving rise to the claims alleged in the Complaint occurred in the State of Illinois and within the Northern District of Illinois, and Defendant's actions are

intentional and knowingly directed to J.C. Whitney, which Defendant knows to be located in Illinois. Upon information and belief, Defendant's conduct, including the advertising, marketing, offering for sale, selling and shipping of infringing products in this judicial district, began prior to February of 2008 and at least some of its conduct continued after the filing of the Complaint in this matter. Venue is proper pursuant to [28 U.S.C. §1391](#) because Defendant is subject to personal jurisdiction and has committed acts of infringement in this district.

Dated: July 17, 2008

J.C. WHITNEY & CO.

By:s/Mark E. Wiemelt

One of its attorneys

Mark E. Wiemelt – IL. Atty.#: 06208213
Law Offices of Mark E. Wiemelt, P.C.
10 South LaSalle Street
Suite 3300
Chicago, IL 60603
Ph: 312-372-7664
Fax: 312-372-6568
Email: mark@wiemeltlaw.com

U.S. AUTO PARTS NETWORK, INC.

By /s/ Martin B. Carroll

One of its attorneys

Martin B. Carroll
Kelly Smith-Haley
Fox, Heftner, Swibel, Levin & Carroll, LLP
200 West Madison, Suite 3000
Chicago, Illinois 60606
Ph: 312-224-1200
Fax: 312-224-1201
Email: mcarroll@fhslc.com

Gregory S. Tamkin
Dorsey & Whitney LLP
370 Seventeenth Street, Suite 4700
Denver, CO 80202-5647
Ph. 303-629-3438

Fax 303-629-3450
Email: Tamkin.Greg@dorsey.com